

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In re:

WILLIAM J. FOCAZIO,

Case No. 19-10880-VFP

Debtor.

Chapter 11

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**STIPULATION AND ORDER EXTENDING TIME FOR GEICO GOVERNMENT
EMPLOYEES INSURANCE COMPANY, GEICO INDEMNITY COMPANY, GEICO
GENERAL INSURANCE COMPANY, AND GEICO CASUALTY COMPANY TO FILE
PROOFS OF CLAIM AND OBJECT TO DISCHARGE AND DISCHARGEABILITY**

WHEREAS, on January 15, 2019 (the “Petition Date”), William J. Focazio (the “Debtor”) filed for voluntary bankruptcy protection (the “Bankruptcy Case”) under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”); and

WHEREAS, on May 17, 2019, the Office of the United States Trustee appointed Edward A. Phillips as chapter 11 trustee (the “Chapter 11 Trustee”) of the bankruptcy estate of the Debtor [DE 73], which appointment was approved by the Bankruptcy Court by Order dated May 29, 2019 [DE 78]; and

WHEREAS, on August 3, 2020, Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company, and GEICO Casualty Company (collectively, “GEICO”) filed a case entitled *Government Employees Insurance Company, et. al. v. Alexander Zaitsev, et al.* against, inter alia, the Debtor, William J. Focazio, M.D., in the U.S. District Court for the Eastern District of New York, under case number 20-cv-03495-FB-SJB (the “Federal Action”); and

WHEREAS, GEICO alleges that the Federal Action seeks damages, in whole or in part, based on claims that arose prior to the Petition Date; and

WHEREAS, GEICO purports to be unaware and not to have received notice of the Bankruptcy Case;

IT IS HEREBY STIPULATED AND AGREED, by and between GEICO, the Chapter 11 Trustee and the Debtor, through their respective undersigned counsel, and **SO-ORDERED** as follows:

1. The deadline for GEICO to object to the Debtor's discharge and the dischargeability of any of his debts is extended to and through March 31, 2021, without prejudice to further extend such deadline with consent of the Debtor and the Chapter 11 Trustee, such consent shall not be unreasonably withheld, or further order of the Bankruptcy Court;

2. This Stipulation and Order shall be binding upon the Debtor, his creditors, and the Chapter 11 Trustee appointed in this case;

3. To the extent consistent with the Bankruptcy Code, Rules, Local Rules, and applicable caselaw, the entry into this Stipulation and Order shall not constitute an election of remedy or any waiver of: (i) the right to assert that final orders in non-core matters may be entered only after de novo review by a District Judge; (ii) the right to demand trial by jury in this proceeding; (iii) the right to seek the District Court's withdrawal of the reference in any matter subject to mandatory or discretionary withdrawal; (iv) any objection to the jurisdiction of the Bankruptcy Court for any purpose other than with respect to this Stipulation and not as otherwise already challenged; or (v) any other rights, claims, actions, defenses, setoffs, or recoupments as appropriate, in law or in equity, under any agreements, all of which are expressly reserved; and

4. For purposes of this stipulation, facsimile or PDF signatures shall be treated as originals and this stipulation may be executed in counterparts.

Dated: Uniondale, New York
February 19, 2021

RIVKIN RADLER LLP

SM LAW PC

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Attorneys for Edward A. Phillips, Chapter 11 Trustee

SO ORDERED:

this ____ day of ____, 2020

**THE HONORABLE VINCENT PAPALIA,
UNITED STATES BANKRUPTCY JUDGE**

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